

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION NO : 15266 of 2005**

Between:

Chintalapudi Vamshikishor S/o. Sarath Babu  
R/o. Pocharam (V) Kallur (M)  
Khammam District.

**..... PETITIONER**

AND

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- 1 The Chief Commissioner Land Administration  
A.P Hyedeabad.
- 2 The Joint Collector, Khammam District.
- 3 The Mandal Revenue Officer, Kalluru (M) Khammam

District

- 4 Kotepally Madhuramma W/o. Late Gopaiah  
R/o. Pocharam (V) Kalluru (M), Khammam District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction preferably writ of mandamus declaring the inaction of the 1st respondent in passing appropriate orders on the stay petition filed along with appeal on

11-11-2004 against the order of 2nd respondent passed in case No.H6/2417/03, dt.9-8-2004 as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent No.1 to consider and dispose of the stay petition as well as appeal itself within a reasonable time.

**Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR**

**Counsel for the Respondents 1 to 3: GP FOR REVENUE**

**The Court made the following :**



**ORDER:**

The petitioner alleged to be the owner of the land to an extent of Acs.2.01 in S.No.245/A/A, 245/A/AA, 245/AA, 245/E and further to an extent of Acs.3.03 in S.No.216/A/AA situated at T. Venkatapuram Village and Pocharam Village of Kalluru Mandal Khammam District. His name was entered into revenue records. Thereafter, it appears that the fourth respondent made a representation to the District

Collector stating that the changes affected in the Revenue records in respect of the above survey numbers are not correct and sought for rectification and for necessary corrections. The District Collector forwarded the same to the Joint Collector. On the basis of the representation/complaint made by the fourth respondent, the second respondent in exercise of powers conferred under Section 166-b of Andhra Pradesh (Telangana Area) Land Revenue Act, 1370 F. (for short 'the Act') passed orders on the representation filed by the fourth respondent on 9.8.2004 directing the Mandal Revenue Officer to correct the entries pertaining to the suit schedule land in favour of the fourth respondent.

Aggrieved by the same the petitioner filed appeal along with an application for stay before the Chief Commissioner of Land Administration, the first respondent herein on 11.11.2004. The main grievance of the petitioner is that even though the appeal along with stay petition was filed on 11.11.2004, no orders are passed till now either on the stay petition or on the appeal, but posted the appeal for hearing on 28.7.2005.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The question whether the petitioner is the actual owner of the land in question or not, has to be decided by the first respondent. If the name of the fourth respondent is incorporated in the revenue records, it amounts to prejudging the issue.

Therefore, the writ petition is disposed of with a direction to the first respondent to dispose of the appeal filed by the petitioner within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to dispossess the petitioner from the land in question. No costs.

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**Elipе Dharma Rao, J.**

14<sup>th</sup> July, 2005

Ka/Js.

To

1 The Chief Commissioner Land Administration  
A.P Hyedeabad.

2 The Joint Collector, Khammam District.

3 The Mandal Revenue Officer, Kalluru (M) Khammam

District

4 Two CCs to G.P. for Revenue, High Court Buildings,

Hyderabad.

5 2 CD copies.